QUERIES

UPON A

CLAUSE in a STATUTE of the 25th *H.* 8. *c.* 21.

Relating to the Preſent Controverſies in the

Hoſpital of S. *Thomas, Southwark.*

BY a Statute of the 25th H. VIII. *c*, 1. (intituled, *No Impoſition ſhall be paid to the Biſhop of* Rome, &c.) *It is provided, That it ſhall not be lawful for the Archbiſhop of* Canterbury, *or any other Perſon or Perſons, to viſit or vex any Monaſtries,* &c. *Hoſpitals, Houſes, or other Places Religious, which be, or were exempt before the making of this Act, but that Redreſs, Viſitation and Confirmation, ſhall be had by the King's Highneſs, by Commiſſion under the Great Seal, to be directed to ſuch Perſons as ſhall be appointed requiſite for the ſame.*

I. *Quære.* Whether the Hoſpital of S. *Thomas, Southwark,* which was firſt Founded and Endowed in the Reign of King *John*, and was Refounded and Repaired after the Demolition of Abbies and other Religious Houſes, by King *Edward* the Sixth, be not an Hoſpital within the meaning of this Statute? And conſequently, Whether the King may not viſit and redreſs Abuſes that ſhall or may ariſe in the management of ſo great a Truſt by virtue of that Power which is given him in it?

II. Whether the preſent Exemption of the ſaid Hoſpital from Epiſcopal Juriſdiction (none of the Biſhops of *Winton* having ever pretended to viſit or inſpect the ſame) do not clearly and manifeſtly depend upon its former, before the making of this Act, when ſuch ſort of Hoſpitals or other Religious Houſes and Places exempt, could only be viſited and inſpected by the Pope, as they were afterwards by the King, on whom the Pope's uſurped Power in this Nation was, as to this and ſome other particular Inſtances of it, legally conferred?

III. Whether this Power, being a Truſt lodged in the King by Act of Parliament, can be ſo entirely devolved upon others, as that he may totally neglect it himſelf?

IV. Whether the Revenues of the ſaid Hoſpital being expreſly called in the Charter of the ſame, *The revenues of* Edward, *King of* England, *the Sixth*, any Man is or can be qualified to receive a ſtated Penſion or Salary from thence, as an Officer or Servant of the ſame, who hath not, or who by reaſon of Non-conformity could not undergo the Teſt enjoined by a late Act of Parliament in the Reign of King *Charles* the Second, within the time limited by the ſaid Act? Or whether all are not the Kings Officer's and Servants, and come within the Intention of that Act, who are under the King's Viſitation, it being the declared Intention of that Act, that none ſhall ſerve under the King in any Office or Employment, and receive any Wages, Salary, or Stipend for it, who doth not perform the Conditions that are thereby requi redand enjoined, and it ſeeming but reaſonable to determine in this Caſe, that the King pays thoſe Salaries which he does not hinder, when it is in his Power to do it, becauſe, *Qui non prohibet quando jure poteſt, jubet*?

Stowe's Survey of *London*, p. 345.

V. Whether the Act of an inferior and delegated Power can reſcind the legal Act of the Supreme?